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| 10/022,375 | 12/20/2001 | Haruo Machida | 35.C16039 | 7735 |
| 5514 7590 11/23/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | EXAMINER KANG, INSUN | |
| | | | ART UNIT 2193 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/022,375

Applicant(s)

MACHIDA, HARUO

Examiner

Insun Kang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55, 58-60, 63-65, 68 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55, 58-60, 63-65, and 68-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on 9/17/2007.
2. As per applicant's request, claim 70 has been cancelled and claims 55, 60, 65, 68, and 69 have been amended. Claims 55, 58-60, 63-65, and 68-69 are pending in the application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 55, 58-60, 63-65, and 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry (US 6,681,392) hereafter Henry in view of Gase et al. (US Patent 5,580,177) hereafter Gase.

Per claim 55:

Henry discloses:

-determining means for determining a plurality of client apparatuses on which a driver is to be set up; (i.e. "determine locations for system and driver files that are related to the peripheral for which the software is being installed or updated," col. 4 lines 38-45) and transmission controlling means for controlling operations to transmit without waiting for a request from any client apparatus to each of the plurality of client apparatuses determined by said

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determining means a set-up instruction to set up a driver for that client apparatus (i.e. “allows administrators to push drivers and network utilities down to other systems,” col. 2 lines 16-20)

Henry does not explicitly teach a test printing instruction to have the client apparatus execute test printing to check if the driver set-up for the client apparatus has been completed, via the network wherein the test printing is executed after the driver set up is executed at the client apparatus. However, Gase teaches a test print was known in the pertinent art, at the time applicant's invention was made, to ensure the correct driver set up by printing a test page (i.e. col. 5 lines 52-53). It would have been obvious for one having ordinary skill in the art to modify Henry's disclosed system to incorporate the teachings of Gase. The modification would be obvious because one having ordinary skill in the art would be motivated to test the correctness of the driver set up to ensure proper installation operations as suggested by Gase (i.e. col. 5 lines 52-53).

Gase discloses printing a test page (i.e. col. 5 lines 52-53) but does not explicitly teach that the test page printed in the test printing at a printer corresponding to the set up driver includes identification information of the plurality of client apparatuses. However, Gase gathers the printer/driver information associated a specific client (i.e. col. 4 lines 35-67; col. 3 lines 50-67; “printing test page,” col. 5 lines 52-53). It would have been obvious for one having ordinary skill in the art to modify Gase's disclosed system to add, in a test page, some useful information for a user such as client identification information, test print request source, and print server name etc. The modification would be obvious because one having ordinary skill in the art would be motivated to provide any useful information associated with the driver set up to ensure correctness of the setup.

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Per claim 58:

The rejection of claim 55 is incorporated, and further, Gase discloses printing a test page (i.e. col. 5 lines 52-53) but does not explicitly teach that the test page printed in the test printing at a printer a test print request source. However, Gase gathers the printer/driver information associated a specific client (i.e. col. 4 lines 35-67; col. 3 lines 50-67; "printing test page," col. 5 lines 52-53). It would have been obvious for one having ordinary skill in the art to modify Gase's disclosed system to add, in a test page, a test print request source for a user. The modification would be obvious because one having ordinary skill in the art would be motivated to ensure the correctness of the test print request source.

Per claim 59:

The rejection of claim 55 is incorporated, and further, Gase discloses printing a test page (i.e. col. 5 lines 52-53) but does not explicitly teach that the test page printed in the test printing at a printer corresponding to the set up driver includes a name of a print server used in executing the test printing. However, Gase gathers the printer/driver information associated a specific client (i.e. col. 4 lines 35-67; col. 3 lines 50-67; "printing test page," col. 5 lines 52-53). It would have been obvious for one having ordinary skill in the art to modify Gase's disclosed system to add, in a test page, the print server name etc. The modification would be obvious because one having ordinary skill in the art would be motivated to ensure the correctness of the print server associated with the driver set up.

Per claims 60, 63, and 64, they are the method versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Per claims 65, 68, and 69, they are the product versions of claims 55, 58, and 59, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 55, 58, and 59 above.

Response to Arguments

5. Applicant's arguments with respect to claims 55, 58-60, 63-65, and 68-69 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 8:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG AI AN can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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